Appl. No. : **10/072,538**
Filed : **February 8, 2002**

SUMMARY OF INTERVIEW

Applicants thank the Examiner for courtesies extended Applicants' representative Jeremy P. Sanders during the personal interview conducted on February 18, 2004. During that interview, U.S. Patent Nos. 2,542,505 to Gascoigne and 6,273,868 to Nordvik were discussed in relation to Claims 1 and 21. Applicants representative suggested alternative language to more clearly define subject matter patentable over these references. Pursuant to that discussion, Applicants submit the foregoing amendments.

PAGE 7/13 * RCVD AT 4/29/2004 6:42:35 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/0 * DNIS:8729306 * CSID:949 760 9502 * DURATION (mm-ss):04-20

Appl. No. : **10/072,538**
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REMARKS

Prior to entry of the foregoing amendments, Claims 1-43 were pending in the application. Applicants have amended Claims 1 and 21, and canceled Claim 22. Accordingly, Claims 1-21 and 23-43 are pending for consideration.

Claim Rejections – 35 U.S.C. § 102

Claims 1-5, 8, 15-25, 27 and 39-43 and Gascoigne

Claims 1-5, 8, 15-25, 27 and 39-43 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,542,505 to Gascoigne. While Applicants disagree with the substance of the rejection, Applicants have nevertheless amended Claims 1 and 21 to expedite prosecution.

Discussion of Gascoigne

Gascoigne discloses an appliance for stimulating the process of lactation. The appliance includes a vacuum pump 56 and a pulsator 43 connected to the device via pipe-lines. Col. 3, lines 16-42. The pulsator provides pneumatic pulses alternately to an outer pulse chamber B and an inner pulse chamber A. *Id.*, at lines 43-51. As shown in Figure 4, a single pipe-line 41 directly connects to the outer pulse chamber B, while a single pipe-line 42 connects directly to the inner pulse chamber A. During use, the pipe-lines are alternately pressurized to expand the pulse chambers A,B. There is no communication between the inner and outer pulse chambers, nor between the pipe-lines 41, 42. Consequently, there is no circulation through the pipe-lines. As a result, the pulsator is able to drive the pulse chambers individually and alternately, as described.

Claim 1 and its dependent claims

Amended Claim 1 recites subject matter not taught or disclosed by Gascoigne and is thus patentable over Gascoigne. Specifically, Claim 1 recites, *inter alia*, "a closed fluid recirculation loop, having a first component removably carried by the control unit and a second component carried by the patient interface unit." Support for this amendment is found in the specification, such as at Paragraph [0093] in which the specification teaches that "[t]he inflatable bladder 152 is in fluid communication with inflation conduits 162, 172, and in one embodiment, one conduit is configured to deliver inflation media while the other conduit is configured to return inflation media." The distinction between the inflation conduit and return conduit is further described,

PAGE 8/13 * RCVD AT 4/29/2004 6:42:35 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/0 * DNIS:8729306 * CSID:949 760 9502 * DURATION (mm-ss):04-20

such as at Paragraphs [0095] – [0097] which further describe the flow path as beginning at a source of media, is delivered through the inflation conduit, flows through a plurality of serially connected inflation lobes, and returns to the media reservoir via the return conduit. Accordingly, this amendment does not introduce new matter into the application.

Nor does Gascoigne appear to disclose a first component of the closed circulation loop, which is removably carried by the control unit as recited in Claim 1.

Claims 2-5, 8, and 15-20, which all depend from Claim 1 are believed to be patentable both because they depend from Claim 1, and because they each recite a unique combination of features not taught or suggested by Gascoigne. Thus, Applicants respectfully request allowance of Claims 1-5, 8, and 15-20.

Claim 21 and its dependent claims

Amended Claim 21 recites subject matter patentable over Gascoigne and Applicants therefore request allowance of Claim 21. Claim 21 recites, *inter alia*, "a closed recirculation flow path, extending along the control line and providing communication between a first component carried by the control unit and a second component carried by the patient interface unit." Gascoigne includes no teaching or suggestion of providing such a flow path, and as such, does not anticipate the unique combination of Claim 21. In addition, the Claims that depend from Claim 21 each recite a unique combination of features not taught or suggested by Gascoigne. Accordingly, Applicants respectfully request allowance of Claims 21-25, 27 and 39-43.

Claims 21 and 27-29 and Hosoda

Claims 21 and 27-29 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,034,006 to Hosoda et al. ("Hosoda")

The Examiner alleges that Hosoda discloses the claimed invention. Applicant respectfully disagrees with the Examiner's characterization of Hosoda. Hosoda teaches a mat configured to be placed around an organ during surgery for collecting and aspirating blood, body fluids, and melting ice from an operation site within a patient. Figures 10 and 11 illustrate an embodiment in which cold water can enter a chamber within the mat. An inlet pipe 42, one end of which is connected to the cavity and the other end is connected with a water pump, provides water into the cavity, while an exhaust pipe 44, one end of which is connected to the cavity and the other end is opened to discharge allows the water to drain from the cavity. Col. 4, lines 51-

PAGE 9/13 * RCVD AT 4/29/2004 6:42:35 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/0 * DNIS:8729306 * CSID:949 760 9502 * DURATION (mm-ss):04-20

60. Thus, water is delivered through one conduit and then flows through another conduit open to discharge the flowing water. The Examiner further alleges that Hosoda teaches a device having at least 6 inflatable bladders. Such is not the case. The device of Hosoda includes a cavity through which water may be fed to further cool the operation site. The purpose of the mat is to surround an organ and allow body fluids, blood, and melting ice to drain toward the aspiration opening located in the center of the mat. There is no teaching or suggestion to inflate the mat, which would likely alter the orientation of the mat relative to the organ.

In contrast to the teachings of Hosoda, Claim 21 recites, inter alia, "a closed recirculation flow path, extending along the control line and providing communication between a first component carried by the control unit and a second component carried by the patient interface unit." There is no teaching or suggestion of such a flow path. As such, Applicants submit that Claim 21 recites subject matter that is patentable over Hosoda, and Applicants request an indication of the same. Claims 27-29 depend from Claim 21 and are thus patentable over Hosoda.

Claims 21 and 23-26 and Lerman

Claims 21 and 23-26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,941,859 to Lerman.

Lerman discloses a wound irrigation shield having a shield 10 and an irrigation tube 12 coupled to a nozzle 14. *See* Abstract. In use, the shield is placed over a wound, and pressurized fluid is delivered through the nozzle and sprayed onto the wound, while the shield protects the operator from splashback. *Id.* Subsequently, the fluid drains off the patient and is eventually aspirated by a suction tube 16 positioned within the shield. *Id.* The fluid is sprayed from the nozzle directly onto the patient and is then separately drawn into the suction tube, thereby resulting in an open fluid system. There is no teaching that the washing fluid sprayed onto the wound is captured, repressurized and then sprayed on the patient again.

Contrary to the teachings of Lerman, Claim 21 recites, *inter alia*, "a closed recirculation flow path, extending along the control line and providing communication between a first component carried by the control unit and a second component carried by the patient interface unit." Such a flow path is neither taught nor suggested by Lerman, and accordingly, Applicants believe Claim 21 recites subject matter patentable over Lerman. Applicants respectfully request allowance of Claim 21 and Claims 23-26 that depend therefrom.

PAGE 10/13 * RCVD AT 4/29/2004 6:42:35 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/0 * DNIS:8729306 * CSID:949 760 9502 * DURATION (mm-ss):04-20

Appl. No. : **10/072,538**
Filed : **February 8, 2002**

Claims 1-8, 15, 16, 21-23, 25 and 27-30 and Nordvik

Claims 1-8, 15, 16, 21-23, 25 and 27-30 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,273,868 to Nordvik.

Nordvik teaches a breast pump including a breast cup having first and second stimulating members for stimulating the nipple and an area of the breast. *See* Abstract. Embodiments disclosed by Nordvik each disclose a fluid system that alternately pressurizes a first and second supply line. For example, as shown in Figure 3, "[w]hen the piston 20 is moved to the right in FIG. 3, pressurized medium, e.g., air, will be supplied to the rings 13 and 15 so that these expand, at the same time as the pressure in the rings 14 and 16 is relieved." Col. 6, lines 53-59. A first supply line delivers air to the rings 13 and 15 while a second supply line delivers air to rings 14 and 16. Thus, the rings 13 and 15 are pressurized alternately with the rings 14 and 16, there being no communication between the two pairs of rings. After pressurization of the rings, the air is allowed to exhaust thus depressurizing the rings.

Claims 1-8, 15, and 16

In contrast to the teachings of Nordvik, Claim 1 recites, *inter alia*, "a closed fluid recirculation loop, having a first component removably carried by the control unit and a second component carried by the patient interface unit." Such a fluid system is not taught or disclosed by Nordvik. Accordingly, Applicants request allowance of Claim 1. In addition, Claims 2-8, 15 and 16, which depend from Claim 1, are each in condition for allowance, and Applicants request allowance of these claims both because they depend from allowable Claim 1, and also because they each recite a unique combination of features not taught or suggested by the cited art.

Claims 21-23, 25 and 27-30

Contrary to the teachings of Nordvik, Claim 21 recites, *inter alia*, "a closed recirculation flow path, extending along the control line and providing communication between a first component carried by the control unit and a second component carried by the patient interface unit." Such a flow path is not taught or suggested by Nordvik. Therefore, Applicants believe Claim 21 and the claims that depend therefrom are patentable over Nordvik and request an indication of the same. Moreover, Claims 23, 25, and 27-30 each recite a unique combination of features not taught or suggested by Nordvik and are thus patentable in their own right. Claim 22 has been canceled.

PAGE 11/13 * RCVD AT 4/29/2004 6:42:35 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/0 * DNIS:8729306 * CSID:949 760 9502 * DURATION (mm-ss):04-20

Appl. No. : **10/072,538**
Filed : **February 8, 2002**

Claims 21, 22, 27, 30, and 35-40 and Ryan

Claims 21, 22, 27, 30, and 35-40 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,358,226 to Ryan. However, Ryan disclosed a fundamentally different system. In Ryan, atmospheric air is drawn in through an air inlet port 51 (Col. 4 line 30), past heating elements 57 (Col. 4 line 36) and eventually through an exhaust valve on discharge passageway 22 to the atmosphere. See Col. 3 lines 56-60 and Col. 5 lines 40-46.

In contrast to the teachings of Ryan, Claim 21 recites, *inter alia*, "a closed recirculation flow path, extending along the control line and providing communication between a first component carried by the control unit and a second component carried by the patient interface unit." Such a flow path is not taught or suggested by Ryan. Therefore, Ryan does not anticipate Claim 21, and Applicants therefore request allowance of Claim 21. In addition, Claims 27, 30, and 35-40 depend from Claim 21 and each recite a unique combination of features not taught by Ryan and thus are also believed to be in condition for allowance. Applicants therefore request allowance of these claims. Claim 22 has been canceled thereby mooting this rejection.

Claim Rejections – 35 U.S.C. § 103

Claims 9-12 and 31-34

Claims 9-12 and 31-34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over 6,273,868 to Nordvik. In view of the foregoing discussion, Applicants submit that Nordvik does not anticipate Claim 1, and therefore, does not render Claims 9-12 unpatentable, since Claims 9-12 each depend from allowable Claim 1. Likewise, Applicants submit that Nordvik does not anticipate Claim 21, and therefore, does not make the unique combinations recited in Claims 31-34, which depend from Claim 21, obvious. Accordingly, Applicants request allowance of Claims 9-12 and 31-34.

Claims 13 and 14

Claims 13 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,542,505 to Gascoigne as applied to Claim 1 in further view of U.S. Patent No. 6,358,226 to Ryan. As discussed above, Gascoigne does not anticipate Claim 1 because it does not teach the unique combination of features present in Claim 1. The addition of Ryan does not ameliorate the shortcomings of Gascoigne to teach all the limitations of Claim 1. Accordingly, the suggested combination fails to teach or suggest the unique combinations of features recited in Claims 13 and 14, and Applicants request allowance of Claims 13 and 14.

PAGE 12/13 * RCVD AT 4/29/2004 6:42:35 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/0 * DNIS:8729306 * CSID:949 760 9502 * DURATION (mm-ss):04-20

Appl. No. : **10/072,538**
Filed : **February 8, 2002**

CONCLUSION

Claims 1-20 and 22-43 remain pending for consideration. Based on the above amendments and remarks, Applicants submit that each of the pending claims is currently in condition for allowance. Accordingly, Applicants respectfully request a notice of allowance. Applicants have endeavored to respond to each of the issues raised by the Examiner. However, if there remain any unresolved issues that could be resolved via a telephone conference, Applicants invites the Examiner to initiate the same with Applicants' representative at the telephone number shown below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 4/29/04

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PAGE 13/13 * RCVD AT 4/29/2004 6:42:35 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/0 * DNIS:8729306 * CSID:949 760 9502 * DURATION (mm-ss):04-20